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PATENT

Attorney Docket: 044574-5045-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Roland E. BARON *et al.***)

Application No. **09/939,709**)

Art Unit: **1623**

Filed: **August 28, 2001**)

Examiner: **Not Assigned**

For: **Methods of Using Agents That Modulate
Bone Formation and Inhibit Adipogenesis)**

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE OF INCOMPLETE REPLY

1. This paper is filed in response to the Notice of Incomplete Reply dated January 17, 2002.
A copy of the Notice of Incomplete Reply is enclosed.

2. **Required Items**

- ☒ Computer Readable Copy of Sequence Listing
- ☒ Paper Copy of Sequence Listing
- ☒ Statement Accompanying Sequence Listing

3. **Extension of Time**

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months
Requested

Fee for
Extension

☒ two months

\$ 400.00

Extension of time fee due with this request: \$400.00 - If an additional extension of time is required, please consider this a Petition therefor.

- ☒ An extension for 1 month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested.

02/07/2002 BSAYASI1 00000001 500310 09939709

01 FC:116 290.00 CH

4. Fee Payment

☒ The Commissioner is hereby authorized to charge **\$290.00** (\$400.00 for a 2 month Extension minus the \$110.00 for a 1 month Extension already paid for) to Deposit Account 50-0310.

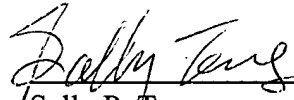
☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

5. Additional Papers Filed:

☒ Preliminary Amendment

Dated: February 1, 2002
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202-739-3000

Respectfully submitted
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/939,709	08/28/2001	Roland E. Baron	044574-5045-US

CONFIRMATION NO. 2739

009629

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WASHINGTON, DC 20004

FORMALITIES LETTER



OC000000007324799

Date Mailed: 01/17/2002



NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 01/07/2002 to the Notice to File Missing Parts (Notice) mailed 10/05/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attachment to Notice of Incomplete Reply

This is in response to Applicant's remarks regarding sequence rule compliance in the instant application. An application that contains generic techniques to determine DNA sequence information such as DNA molecule length or nucleotide composition, without disclosing specific sequences, would not have to comply with the sequence rules. The instant application, however, also discloses specific sequences. The facts that no sequences are claimed and any specific sequence mentioned would be used solely for illustrative purposes and not represent a novel sequence disclosure are immaterial. Any sequence that is disclosed must be submitted in accordance with 37 CFR 1.821-825. That is the meaning of the "exclusively" language.

Sequences were found at page(s) 51, and/or Figure ____.